

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 62988

Steve M. Nagy
Margaret Nagy

5903 Hilltop Avenue

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on September 6, 2009 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-7-310, 312; 35-5-302 (b)(1), failure to remove all junk, trash and debris, failure to repair/replace rear dilapidated porch on residential property known as 5903 Hilltop Avenue, 21207.

On August 24, 2009, pursuant to Baltimore County Code §3-6-205, Inspector Charles Krick issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,000.00 (one thousand dollars).

The following persons appeared for the Hearing and testified: Steve Nagy, Respondent and Charles Krick, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on June 18, 2009 for removal of trash and debris, cut and remove tall grass and weeds, repair exterior structure, replace dilapidated rear porch, remove all flaking paint from house and repaint. This Citation was issued on August 24, 2009.

B. Inspector Charles Krick testified that in July 2009 he re-inspected and found that the poison ivy had been sprayed and some work had been done on the porch. Junk, trash and debris remained. He granted Respondent's request for an extension of time. Re-inspection on August 24, 2009 found the porch not repaired and junk, trash and debris not removed.

C. Photographs in the file show an old door, piles of yard waste, and general debris in the rear yard of this residence. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. Photographs also show the remains of a rear porch, with a block wall and high posts and an open gap between the wall and the house. Respondent is required by law to maintain the exterior of the house at least in conformance with county code standards, including keeping all exterior structures and surfaces "in good repair and in a structurally sound condition." BCC Section 35-5-302. Respondent must repair or remove the partially demolished rear porch.

D. Respondent Steve Nagy testified that he is divorced from Respondent Margaret Nagy and resides in the house with their children. He testified that he will clean up the property and will remove or repair the porch structure. Because compliance is the goal of code enforcement, the civil penalty will be rescinded if the violations are corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violations are corrected by November 2, 2009.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 9th day of October 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.